

From: Engels, Alan

Sent: Wednesday, November 14, 2018 10:49 PM

To: Mia, Marcia; Kaminer, Joan

CC: Boydston, Michael; Rivera, Adrienne

Subject: FW: Freedom of Information Act (FOIA) Requests 2018-001886, 2018-0012668, and 2018-003357

Attachments: 201811121320.pdf

Hiland Partners Holding Responded via email. Please make note that they are NOT asserting CBI and these documents can also be released.

One more complete.

Alan Engels

Regional FOIA Officer

US EPA, Region 8

1595 Wynkoop St.

8TMS-IMP-CMU

Denver, CO 80202

(303) 312-6306

Engels.alan@EPA.gov

From: Chruscik, Katarzyna (Katrina) <Katarzyna_Chruscik@kindermorgan.com>

Sent: Wednesday, November 14, 2018 2:20 PM

To: R8FOIA <R8FOIA@epa.gov>

Cc: Engels, Alan <engels.alan@epa.gov>

Subject: Freedom of Information Act (FOIA) Requests 2018-001886, 2018-0012668, and 2018-003357

Dear Mr. Engels,

Hiland Partners Holdings LLC (Hiland) is in receipt of the subject letter. The following documents were attached to the letter and an electronic copy is attached to this email:

Initial semiannual NSPS OOOO and NSPS OOOOa reports for Watford City Gas Plant dated July 27, 2017; and

Initial annual NSPS OOOOa report for Forthune Compressor Station dated November 10, 2017.

Thank you for providing the specific documents that were requested for my review. Hiland has reviewed the documents and is not asserting confidential business information with respect to subject documents.

Thanks,

Katrina Chruscik | Engineer - EHS Staff| Air Permitting and Compliance

KINDER~MORGAN | Natural Gas Pipelines

1001 Louisiana Street #1000 | Houston, TX 77002

Office: 713-420-7906 |Cell: 832-244-1250

Katarzyna_Chruscik@kindermorgan.com

From: Chruscik, Katarzyna (Katrina)

Sent: Tuesday, March 13, 2018 2:42 PM

To: 'Engels, Alan' <engels.alan@epa.gov>

Cc: Rivera, Adrienne <Rivera.Adrienne@epa.gov>

Subject: RE: Do You Assert CBI Claim for Compliance Records Submitted Under the New Source Performance Standard (NSPS) for Oil and Gas (NSPS 0000a)? RE: FOIA 2018-001886

Dear Mr. Engels,

Kinder Morgan is asserting a CBI claim and will reevaluate that claim when Kinder Morgan sees the documents that EPA proposes to provide in response to the FOIA request.

Thanks,

Katrina Chruscik | Engineer - EHS Staff| Air Permitting and Compliance

KINDER~MORGAN | Natural Gas Pipelines

1001 Louisiana Street #1000 | Houston, TX 77002

Office: 713-420-7906 |Cell: 832-244-1250

Katarzyna_Chruscik@kindermorgan.com

From: Engels, Alan [mailto:engels.alan@epa.gov]

Sent: Monday, March 12, 2018 2:59 PM

To: Chruscik, Katarzyna (Katrina)

Cc: Rivera, Adrienne

Subject: RE: Do You Assert CBI Claim for Compliance Records Submitted Under the New Source Performance Standard (NSPS) for Oil and Gas (NSPS 0000a)? RE: FOIA 2018-001886

[This email message was received from the Internet and came from outside of Kinder Morgan]

Dear Katrina Chruscik,

I want to be sure that I understand your response clearly. Kinder Morgan is asserting a CBI Claim. Is that correct?

Under FOIA, EPA would withhold the documents until a final determination is made as to what portion(s) of the responsive documents would be withheld, not the entire document. If there are any other exemptions that apply to materials within the report EPA regularly withholds that information as part of our normal FOIA process. Exemption 4, CBI is very specific in nature.

The following url describes what information is protected under exemption 4.

https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/exemption4_0.pdf

Please confirm.

Alan Engels

Regional FOIA Officer

US EPA, Region 8

1595 Wynkoop Street

Attn: 8TMS-IMP-CMU (FOIA)

Denver, Colorado 80202

Engels.Alan@epa.gov

(303) 312-6306

From: Chruscik, Katarzyna (Katrina) [mailto:Katarzyna_Chruscik@kindermorgan.com]

Sent: Monday, March 12, 2018 12:48 PM

To: Engels, Alan <engels.alan@epa.gov>

Subject: RE: Do You Assert CBI Claim for Compliance Records Submitted Under the New Source Performance Standard (NSPS) for Oil and Gas (NSPS 0000a)? RE: FOIA 2018-001886

Mr. Engels, sorry I missed your phone call. Here is the response to the EPA request dated February 6, 2018. Please let me know if you have any questions or follow-up requests.

Thanks,

Katrina Chruscik | Engineer - EHS Staff | Air Permitting and Compliance

KINDER~MORGAN | Natural Gas Pipelines

1001 Louisiana Street #1000 | Houston, TX 77002

Office: 713-420-7906 | Cell: 832-244-1250

Katarzyna_Chruscik@kindermorgan.com

From: Chruscik, Katarzyna (Katrina)

Sent: Friday, February 09, 2018 1:42 PM

To: 'Rivera, Adrienne'

Cc: Engels, Alan

Subject: RE: Do You Assert CBI Claim for Compliance Records Submitted Under the New Source Performance Standard (NSPS) for Oil and Gas (NSPS 0000a)? RE: FOIA 2018-001886

Ms. Rivera,

Kinder Morgan appreciates EPA's attention to its obligations under FOIA not to produce exempt documents. Unfortunately, Kinder Morgan cannot provide a detailed response at this time for several reasons. The email sent by EPA does not indicate which Kinder Morgan company or facility is the subject of the email, the email was not sent to the responsible official as it suggests, the FOIA request was not included as an attachment even though the email states that it is attached and the potentially responsive documents to the FOIA request were not provided. Kinder Morgan and its subsidiaries and affiliates operate multiple gas plants and sweetening units in multiple EPA regions. Without knowing which facility(s) and documents are potentially subject to the request, Kinder Morgan cannot know whether the documents contain CBI and/or FOIA exempt information. Three business days is not a sufficient amount of time for Kinder Morgan to figure out which, if any, of its documents for any of its gas plants and/or sweetening units may be responsive and/or exempt from production under FOIA. In our experience, it is typical for agencies to provide actual copies of the documents to the regulated entity that the agency believes are potentially responsive to the FOIA request along with suggested redactions or with a request for the regulated entity to suggest redactions to protect FOIA exempt information. We would be glad to go through such an exercise with EPA but we have insufficient information to do so at this time. Accordingly, Kinder Morgan cannot say that it is not asserting any CBI claims and reserves its rights to do so under FOIA, 5 U.S.C. Section 552, as well as the CBI requirements of the EPA regulations including those you cite in NSPS 0000a. Kinder Morgan trusts that EPA will follow its obligations under the APA and regulations to withhold documentation and information that is exempt from FOIA and/or that is CBI.

Thanks,

Katrina Chruscik | Engineer - EHS Staff| Air Permitting and Compliance

KINDER~MORGAN | Natural Gas Pipelines

1001 Louisiana Street #1000 | Houston, TX 77002

Office: 713-420-7906 |Cell: 832-244-1250

Katarzyna_Chruscik@kindermorgan.com

From: Rivera, Adrienne [mailto:Rivera.Adrienne@epa.gov]

Sent: Tuesday, February 06, 2018 1:27 PM

To: Rivera, Adrienne

Cc: Engels, Alan

Subject: Do You Assert CBI Claim for Compliance Records Submitted Under the New Source Performance Standard (NSPS) for Oil and Gas (NSPS 0000a)? RE: FOIA 2018-001886

Importance: High

[This email message was received from the Internet and came from outside of Kinder Morgan]

The U.S. Environmental Protection Agency has received a request under the Freedom of Information Act (FOIA) for records containing information related to certain compliance records submitted to the EPA under the New Source Performance Standard (NSPS) for Oil

and Gas (NSPS 0000a) . This FOIA request is attached. The records requested include results of performance tests, initial semiannual reports for gas plants, semiannual reports for gas plants, annual reports and annual reports of excess emissions for sweetening units.

We believe you may have made a submittal under one or more of the provisions §§60.5422a(b), 60.5422a(a), 60.5420a(b), or 60.5423a(b) .

By your response to this email, please indicate whether you wish to assert a confidential business information (CBI) claim with respect to any portion of report submitted under §§60.5422a(b), 60.5422a(a), 60.5420a(b), or 60.5423a(b) or any addendum, update or

attachment to report, that your company has submitted to EPA.

If you decide to assert such a claim the EPA will temporarily treat the reports that you identify, and its updates, attachments and addenda, as confidential pending further investigation by the EPA. Please be advised that as part of such further investigation EPA is likely

to request (in a subsequent communication) that you substantiate any CBI claim. If you do not assert a timely CBI claim (see below) with respect to any portion of a report or its addenda, updates or attachments, as described above, those records may be released to the

requestor without further notice if EPA determines that the records are responsive to the FOIA request.

If you decide NOT to assert a CBI claim, please respond to this email and indicate your desire not to assert any CBI claims.

You have been identified by EPA as the responsible corporate official, under the FOIA regulations in 5 U.S.C. §552. Any CBI claim your company wishes to assert must be brought to the EPA's attention (by response to this email) no later than the close of business on the

third working day from the date of this receipt by the responsible official (not including weekends). If you have any questions regarding this matter, please contact Region 8 FOIA Officer Mr. Alan Engels at either Engels.alan@epa.gov or (303) 312-6306.